

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

Kimberly Wright

NO.: 18-00373 HWY

Debtor

Chapter 13

Charles J. DeHart, III Esq.  
Trustee

vs.

Wilmington Savings Fund Society, FSB,  
D/B/A Christiana Trust, not individually  
but as trustee for Pretium Mortgage  
Acquisition trust is 120 So. 6th st.,  
Suite 2100, Minneapolis, MN 55402

Movant

FILED  
HARRISBURG, PA  
2019 SEP 17 AM 9:39  
CLERK  
U.S. BANKRUPTCY COURT

**MOTION TO VACATE JUDGEMENT**

Now Comes the Defendant's, Kimberly Wright and prays this Honorable Court to Deny the Plaintiff's Motion for Relief for the following Reasons:

(1.) The Plaintiff, Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition trust did not properly serve The defendant, Kimberly Wright with a proper certificate of service via mailing or otherwise in reference to Motion for Relief September 17, 2019 request from the plaintiff, which didn't allow the defendant the opportunity to present a case and/or show cause.

(1a.) The defendant move(s) the court for an order vacating the judgement entered in this action and staying enforcement until the motion can be heard.

(2.) The defendant, Kimberly Wright did not receive the paperwork from the Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust, James C. Warmbrodt, Esq. requesting a court date to present evidence in defense of the Motion of Relief to the court dated 9/17/2019.

(3.) The defendant, Kimberly Wright request the honorable Judge vacate the judgment because the amount of the debt is disputable, and the debt has doubled and imploded in amount within a two - three month period ( 3a.) (Exhibit A1&A2) Enclosed copy of payments and additional fees, filed by the lender; as presented by the plaintiff, Wilmington Savings Fund Society, FSB.

(4.) The defendant, Kimberly Wright was out of town attending to an ailing relative.

WHEREFORE, Defendant(s) pleas that this Court grant the Motion to Vacate as to to all creditors, after notice and opportunity to be heard, and for all other proper relief. I affirm under the penalty of perjury that the foregoing is true and correct to the best of my information and belief.

*K. Wright*

KIMBERLY WRIGHT, prose

2536 EASTON BLVD #122

YORK, PA 17402

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**CERTIFICATE OF SERVICE OF NOTICE OF  
MOTION TO VACATE JUDGEMENT**

I hereby certify that a copy was sent by first class mail, postage pre-paid, and/or electronic means, upon the following on the date listed below:

KML LAW GROUP, P.C.  
James C. Warmbrodt, Esq.  
701 Market Street, Suite 5000  
Philadelphia, PA 19106  
Attorney for Movant/Applicant

Charles J. DeHart, III Esq.  
8125 Adams Drive, Ste A  
Hummelstown, PA 17036

Wilmington Savings Fund Society, FSB,  
D/B/A Christiana Trust, not individually  
but as trustee for Pretium Mortgage  
Acquisition trust is 120 So. 6th st.,  
Suite 2100, Minneapolis, MN 55402.

Method of Service: electronic means or first class mail to all parties listed.

**KIMBERLY WRIGHT, prose**  
2536 EASTON BLVD #122  
YORK, PA 17402





Rushmore Loan Management Services  
P.O. Box 55004  
Irvine, CA 92619

# ANTICIPATED ESCROW ACCOUNT DISBURSEMENTS

Exhibit A1

HAZARD INS	\$939.00
TAXES	\$827.27
TAXES	\$2,312.28

## ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT AND CHANGE OF PAYMENT NOTICE PREPARED FOR:

Analysis Date: 11/26/2018

KIMBERLY WRIGHT  
2536 EASTEN BLVD  
YORK PA 17402

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### NEW MONTHLY PAYMENT IS AS FOLLOWS:

Principal and Interest	\$353.29
Required Escrow Payment	\$339.88
Shortage/Surplus Spread	\$9.32
Optional Program Payment	\$0.00
Buydown or Assistance Payments	\$0.00
Other	\$0.00

TOTAL MONTHLY PAYMENT	\$702.49
NEW PAYMENT EFFECTIVE DATE:	02/01/2019

FOR BORROWERS IN BANKRUPTCY OR BORROWERS WHOSE DEBT HAS BEEN DISCHARGED IN BANKRUPTCY, THIS IS AN INFORMATIONAL STATEMENT AND IT IS NOT AN ATTEMPT TO COLLECT A DEBT. PLEASE NOTE THAT EVEN IF YOUR DEBT HAS BEEN DISCHARGED IN BANKRUPTCY AND YOU ARE NO LONGER PERSONALLY LIABLE ON THE DEBT, THE LENDER MAY, IN ACCORDANCE WITH APPLICABLE LAW, PURSUE ITS RIGHTS TO FORECLOSE ON THE PROPERTY SECURING THE DEBT.

Rushmore Loan Management Services has completed an analysis of the escrow account. We have adjusted the mortgage payment to reflect changes in the real estate taxes and/or property insurance. The escrow items to be disbursed from the account are itemized above. If you have questions regarding this analysis, please write to our Customer Service Department at Rushmore Loan Management Services, P.O. Box 55004, Irvine, CA 92619, or call toll-free 1-888-504-6700.

In the event you utilize a third party to remit your payments, please inform them of the effective date of any change in your payment.

### ANNUAL ESCROW ACCOUNT PROJECTION FOR THE COMING YEAR

This is an estimate of activity in the escrow account during the coming year based on payments anticipated to be made from the account.

MONTH	PAYMENTS TO ESCROW ACCOUNT		PAYMENTS FROM ESCROW ACCOUNT			ESCROW ACCOUNT BALANCE	
	MIP/PMI	TAXES	FLOOD	HAZ. INS.	SPECIAL	PROJECTED	REQUIRED
STARTING BALANCE						\$1204.45-	\$1699.39
FEB	\$339.88			\$939.00		\$1803.57-	\$1100.27
MAR	\$339.88				\$827.27	\$2290.96-	\$612.88
APR	\$339.88					\$1951.08-	\$952.76
MAY	\$339.88					\$1611.20-	\$1292.64
JUN	\$339.88					\$1271.32-	\$1632.52
JUL	\$339.88					\$931.44-	\$1972.40
AUG	\$339.88				\$2312.28	\$2903.84-	\$0.00 *
SEP	\$339.88					\$2563.96-	\$339.88
OCT	\$339.88					\$2224.08-	\$679.76
NOV	\$339.88					\$1884.20-	\$1019.64
DEC	\$339.88					\$1544.32-	\$1359.52
JAN	\$339.88					\$1204.44-	\$1699.40

\*Indicates a projected low point of \$2,903.84-. Under the mortgage contract, state or federal law, the lowest monthly balance should not exceed \$0.00. The difference between the projected low point and the amount required is \$111.89-. This is the shortage.

Please keep this statement for comparison with the actual activity in your account at the end of the next escrow accounting computation year.

IF THIS ESCROW ANALYSIS INDICATES THAT THERE IS A SURPLUS, IT MAY NOT MEAN THAT YOU ARE ENTITLED TO RECEIVE A RETURN OF THAT SURPLUS. THIS ANALYSIS WAS CALCULATED BASED ON AN ASSUMPTION THAT THE ACCOUNT IS CURRENT ACCORDING TO THE TERMS OF THE NOTE AND MORTGAGE/DEED OF TRUST. IF THE ACCOUNT IS BEHIND, IN DEFAULT, OR IN BANKRUPTCY, THIS ANALYSIS

DO NOT REFLECT THE CURRENT STATE OF THE ACCOUNT OR THE TERMS OF A BANKRUPTCY PLAN. IF THERE ARE ENOUGH FUNDS IN THE ESCROW ACCOUNT AND THE SURPLUS IS \$50 OR GREATER, THAT STATEMENT WILL BE MAILED TO YOU WITHIN 30 DAYS, PROVIDED THE ACCOUNT IS CURRENT UNDER THE TERMS OF THE NOTE AND MORTGAGE/DEED OF TRUST.

Exhibit A2

Name: KIMBERLY WRIGHT

**ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT - ACCOUNT HISTORY**

This is a statement of actual activity in the escrow account from 02/2018 through 01/2019. Last year's projections are next to the actual activity. The most recent mortgage payment was \$680.39 of which \$327.10 went to the escrow account and the remainder of \$353.29 went towards the mortgage loan. An asterisk (\*) indicates a difference between a projected disbursement and actual activity.

MONTH	PAYMENTS TO ESCROW ACCOUNT		PAYMENTS FROM ESCROW ACCOUNT		DESCRIPTION	ESCROW BALANCE COMPARISON	
	PROJECTED	ACTUAL	PROJECTED	ACTUAL		PROJECTED	ACTUAL
STARTING BAL.						\$1666.45	\$15190.80-
FEB	\$333.30	*	\$930.00	\$939.00*	HAZARD INS.	\$1069.75	\$16129.80-
MAR	\$333.30	*	\$827.27	\$827.27	TWN/TWP/MON/	\$575.78	\$16957.07-
APR	\$333.30	*				\$909.08	\$16957.07-
MAY	\$333.30	*				\$1242.38	\$16957.07-
JUN	\$333.30	*				\$1575.68	\$16957.07-
JUL	\$333.30	*				\$1908.98	\$16957.07-
AUG	\$333.30	*	\$2242.28	\$2312.28*	SCHOOL TAX	\$0.00	\$19269.35-
SEP	\$333.30	*				\$333.30	\$19269.35-
OCT	\$333.30	*				\$666.60	\$19269.35-
NOV	\$333.30	\$17398.30*				\$999.90	\$1871.05-
DEC	\$333.30	\$333.30				\$1333.20	\$1537.75-
JAN	\$333.30	\$333.30				\$1666.50	\$1204.45-

Last year, we anticipated that payments from the escrow account would be made during this period totaling \$3,999.55. The lowest monthly balance should not have exceeded \$0.00, the lowest amount required by the mortgage contract, state or federal law.

OVER THIS PERIOD, AN ADDITIONAL \$0.00 WAS DEPOSITED INTO THE ESCROW ACCOUNT FOR INTEREST ON ESCROW.

The actual lowest monthly balance was less than \$0.00. The items with an asterisk on the account history may explain this, if you would like a further explanation, please call our toll-free number: 1-888-504-6700.

